Attorney's Docket No.: 07039-409US1 / MMV-02-036

#### IN THE UNITED STATES RECEIVING OFFICE

Applicant: Shuchong Pan, et. al.

Serial No.: 10/561,014

Filed: December 16, 2005

Title : ISOFORMS OF BRAIN NATRIURETIC PEPTIDE

#### **MAIL STOP PCT**

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

In response to the Notification of Missing Requirements mailed April 6, 2006 (copy enclosed), Applicants as a small entity submit herewith the following:

- Declaration by the Inventor (3 pages);
- Power of Attorney by Assignee (with executed copy of Assignment attached) (5 pages);
- Preliminary Amendment (3 pages);
- Paper Copy of Substitute Sequence Listing (12 pages);
- ✓ Verified Statement;
- Diskette.

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: June 6, 2006	1/2
,	J. Patrick Finn III, Ph.D.
	Reg. No. 44,109
T' 1 0 D' 1 1 D C	

Fish & Richardson P.C. 60 South Sixth Street, Suite 3300 Minneapolis, MN 55402 Telephone: (612) 335-5070 Facsimile: (612) 288-9696

60362217.doc

06/09/2006 LLANDGRA 00000060 10561014

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CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. <u>EV467329735US</u>

June 6, 2006

Date of Deposit



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#### United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS PO. Box 1430 Alexandra, Vognus 22313-1430 www.usplo.gov

U.S. APPLICATION NUMBER NO. FIRST NAMED APPLICANT ATTY. DOCKET NO.

10/561,014 Shuchong Pan 07039-409US1

INTERNATIONAL APPLICATION NO.

26191 FISH & RICHARDSON P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022 PCT/US04/17554

1.A. FILING DATE PRIORITY DATE

06/02/2004 06/20/2003

CONFIRMATION NO. 9426
371 FORMALITIES LETTER

"OC00000018465808"

Date Mailed: 04/06/2006

# NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 12/16/2005
- Preliminary Amendments filed on 12/16/2005
- Biochemical Sequence Diskette filed on 12/16/2005
- U.S. Basic National Fees filed on 12/16/2005
- Priority Documents filed on 12/16/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

\$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

#### PART 1 - ATTORNEY/APPLICANT COPY

_			
	U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY, DOCKET NO.
	10/561,014	PCT/US04/17554	07039-409US1

FORM PCT/DO/EO/905 (371 Formalities Notice)

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## STIC Biotechnology Systems Branch

## RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 10/56/,0/4
Source: 1FWP
Date Processed by STIC: 12/30/05

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.
PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE <u>CHECKER</u> <u>VERSION 4.2.2 PROGRAM</u>, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail. Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

- 1. EFS-Bio (<a href="http://www.uspto.gov/ebc/efs/downloads/documents.htm">http://www.uspto.gov/ebc/efs/downloads/documents.htm</a> , EFS Submission User Manual ePAVE)
- 2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
- Bland Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):
   U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building. 401 Dulany Street.
   Alexandria, VA 22314

Revised 01/24/05

#### **Raw Sequence Listing Error Summary**

ERROR DETECTED	SUGGESTED CORRECTION SERIAL NUMBER: 10/56/, 0/4
ATTN: NEW RULES CASES:	PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE
IWrapped Nucleics Wrapped Aminos	The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."
2Invalid Line Length	The rules require that a line not exceed 72 characters in length. This includes white spaces.
3Misaligned Amino Numbering	The numbering under each 5 <sup>th</sup> amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.
4Non-ASCII	The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.
5Variable Length	Sequence(s)contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220><223> section that some may be missing.
6Patentin 2.0 "bug"	A "bug" in Patentln version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s) Normally, Patentln would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.
7Skipped Sequences (OLD RULES)	Sequence(s) missing. If intentional, please insert the following lines for each skipped sequence:  (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)  (i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading)  (xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)  This sequence is intentionally skipped
	Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.
8Skipped Sequences (NEW RULES)	Sequence(s) missing. If intentional, please insert the following lines for each skipped sequence. <210> sequence id number <400> sequence id number 000
9Use of n's or Xaa's (NEW RULES)	Use of n's and/or Xaa's have been detected in the Sequence Listing.  Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present.  In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.
10Invalid <213> Response	Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence
Use of <220>	Sequence(s)missing the <220> "Feature" and associated numeric identifiers and responses.  Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section.  (See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)
12Patentin 2.0 "bug"	Please do not use "Copy to Disk" function of Patentin version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.
13 Misuse of n/Xaa	"n" can only represent a single nucleotide; "Xaa" can only represent a single amino acid

AMC - Biotechnology Systems Branch - 09/09/2003



IFWP

PARW SEQUENCE LISTING DATE: 12/30/2005
PATENT APPLICATION: US/10/561,014 TIME: 09:38:13

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Output Set: N:\CRF4\12302005\J561014.raw

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             Simari, Robert D.
     7 <120> TITLE OF INVENTION: Isoforms of Brain Natriuretic Peptide
     10 <130> FILE REPERENCE: 07039-409US1
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     13 <151> PRIOR FILING DATE: 2004-06-02
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     54 Gly Ser Ala Ser Asp Leu Glu Thr Ser Gly Leu Gln Glu Gln Arg Asn
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                                   40
    56 His Leu Gln Gly Lys Leu Ser Glu Leu Gln Val Glu Gln Thr Ser Leu
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58 Glu Pro Leu Gln Glu Ser Pro Arg Pro Thr Gly Val Trp Lys Ser Arg

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PATENT APPLICATION: US/10/561,014

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Output Set: N:\CRF4\12302005\J561014.raw

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112 actetttqa

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DATE: 12/30/2005

TIME: 09:38:13

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RAW SEQUENCE LISTING

PATENT APPLICATION: US/10/561,014

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DATE: 12/30/2005 RAW SEQUENCE LISTING PATENT APPLICATION: US/10/561,014 TIMB: 09:38:13 Input Set : A:\07039-409.txt Output Set: N:\CRP4\12302005\J561014.raw 172 <212> TYPE: PRT 173 <213> ORGANISM: Ovis aries 175 <400> SEQUENCE: 10 176 Gly Glu Arg Leu Ser Ala Phe Pro Leu His Ile Thr Ile Arg Ala Thr 177 1 S 10 178 Ser Gly Ser Asp Val Ser Gly Asp Gln Ile Leu Asn Lys Glu His His 20 179 180 Ser Ser Leu Leu Ala Val Leu Arg Ala Lys Ala Cys Leu Ser Gly Asn 35 181 182 Ile Lys Phe Gly Gln His Ser Leu Ser Cys Leu Gly Ala Pro Ser Ile 183 . 50 55 184 His Leu Leu Pro Leu Thr Glu Arg Gly Arg Ile Phe Arg Met 185 65 70 187 <210> SEQ ID NO: 11 188 <211> LENGTH: 26 189 <212> TYPE: PRT 190 <213> ORGANISM: Mus musculus 192 <400> SEQUENCE: 11 193 Gly Glu His Leu Pro Cys His Phe Pro Ala Lys Leu His Thr His Pro 194 1 10 5 195 Ile Pro Val His Ala Thr Leu Arg Gly Pro 20 198 <210> SEQ ID NO: 12

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225 Leu Leu Cys Pro Pro Arg Val Thr His Leu Leu Leu Pro Leu Trp Pro

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227 Lys Gly Ala Glu Ser Pro

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226 65

228

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DATE: 12/30/2005

TIME: 09:38:13

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RAW SEQUENCE LISTING

PATENT APPLICATION: US/10/561,014

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Enor Summary Sheet)

PAW SEQUENCE LISTING ERROR SUNGARY PATENT APPLICATION: US/10/561,014

DATB: 12/30/2005 TIMB: 09:38:14

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Please Note:

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The of n and/or was have been detected in the Sequence Listing. Please review the Sequence Listing to ensure that a corresponding explanation is presented in the <220>  $\hat{\eta}$  to <223> fields of each sequence which presents at least one n or was.

Seq#:20; Xaa Pos. 2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23 Eseq#:20; Xaa Pos. 24,25,26,27,28,29,31,32,33,34

## VERIFICATION SUMMARY DATE: 12/30/2005 PATENT APPLICATION: US/10/561.014 TIME: 09:38:14

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11

11

Output Set: N:\CRF4\12302005\J561014.raw

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/L:12 M:271 C: Current Filing Date differs, Replaced Current Filing Date
L:322 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!
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